

Resolution No.: 15-1065

Introduced: June 28, 2005

Adopted: July 5, 2005

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**SUBJECT:** Optional Procedure for Condemnation of Land, Advance Taking  
CIP Project No. 500402 Fairland Road Improvements

In accordance with Article III, Section 40A, Maryland Constitution and Section 49-50,  
2004 Montgomery County Code, as amended.

**Background**

- I. The Council has been requested to authorize the condemnation of the portion of land necessary for improvement of Fairland Road in accordance with Section 49-50 of the 2004 Montgomery County Code, as amended.
  1. Fairland Road situates in the eastern edge of the County in a predominantly residential area. Fairland Road, between US Route 29 and the Prince George's County line, is a two-lane, open-section roadway that falls short of the current American Association of Transportation Officials (AASHTO) and the Montgomery County Department of Public Works and Transportation design standards. The geometry of the road does not meet current standards for horizontal and vertical alignments. Steep horizontal and vertical curves limit sight distances for drivers and pedestrians, leading to numerous accidents. A large number of accidents have been reported at most of the intersections along Fairland Road, including the intersections at US Route 29, Brahms Avenue, Beethoven Boulevard, and Galway Drive. Other deficiencies in the roadway geometry have affected drainage run-off creating flooding problems throughout this section of roadway. In addition to sight distance limitations and flooding problems, stationary roadside obstructions, such as trees and utility poles, contribute to existing conditions. There are no pedestrian facilities on this segment of Fairland Road, with the exception of a short segment between Musgrove Road and Marlow Place. In order to correct the described deficiencies, this project provides for the following: construction of a three-lane closed section roadway from east of US Route 29 to the Prince George's County line; eliminate the substandard geometry of the horizontal and vertical curves; remedy the poor sight distance problems throughout the road; and bring the roadway to a 35-mph design speed. To control traffic and pedestrian flow, three roundabouts have been designed at the intersections Brahms Avenue, Musgrove Road, and Galway Drive. For a safer access to properties aligning Fairland Road, a center lane has been included. The geometric deficiencies and safety concerns on Fairland Road are sufficient to require these roadway improvements.

2. Property acquisition needs to take place prior to December 2005 in order to construct the project by January 2006.
3. The County has been unable to negotiate an Option Contract with the property owners listed below:

**RIGHT OF WAY IN SQUARE FEET**

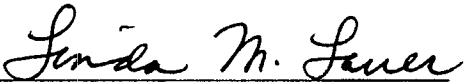
<u>ACCOUNT No.</u>	<u>LIBER FOLIO</u>	<u>PROPERTY OWNERS</u>	<u>FEE SIMPLE</u>	<u>PERPETUAL EASEMENT</u>	<u>REVERTIBLE EASEMENT</u>	<u>OTHER EASEMENT</u>
2831287	18325/463	Osman M. A. Alnifaidy and Sumeya H. Fadul	4 sf	0 sf	919 sf	
2644934	22889/131	Lawrence E. Williams	1,444 sf	0 sf	491 sf	597sf (public utility)
3301380	Plat 21489	Montgomery Ltd. Liability Co.	900 sf	0 sf	165 sf	1704sf (prescriptive)
279725	28358/202	John P. Hillegas	1,149 sf	0 sf	519 sf	
266448	1616/320	Jeffrey D. Schwartz	1,980 sf	0 sf	259 sf	
254645	26231/518	Geovanni A. Privado and Vilma L. Privado	246 sf	0 sf	1,457 sf	
2211011	16232/610	Charles and Regina Russell	1 sf	0 sf	0 sf	
2211033	19518/543	Michael E. Melvin and Kelsey P. Adams-Melvin	624 sf	0 sf	0 sf	
249331	9102/196	Robert L. Hoffman and Mindy K. Kurtz	0 sf	0 sf	463 sf	
2675822	28053/096	Hoang Nha Tran and Thuy Trang Thi Nguyen	0 sf	988 sf	0 sf	
3276876	21988/065	Diane Tran Pham and Long Thanh Pham	0 sf	98 sf	0 sf	

4. There is an immediate need to acquire a portion of the properties for rights-of-way for the construction of the Fairland Road Improvements project.

**ACTION**

- I. The County Council approves the Resolution authorizing the condemnation of land, optional procedure Advance Taking, for the above portion of land needed for the construction of Fairland Road Improvements in accordance with Section 49-50 of the Montgomery County Code, (2004) as amended effective upon the following conditions:
  1. Montgomery County guarantees the payment of the condemnation award as may be subsequently awarded by a jury.
  2. David N. Lamb, MAI, Maryland Certified General Appraiser, is hereby appointed to appraise the fair market value of the property.
- II. Montgomery County may take immediate possession of the property described above, upon payment into Court of the fair market value of the property as determined by the County's appraiser. The County reserves the right to abandon this proceeding at any time prior to such payment into Court.
- III. The County Attorney is hereby directed to take all necessary steps to acquire the properties.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council